

## UNITED STATES DISTRICT COURT

for the

District of \_\_\_\_\_

Division \_\_\_\_\_

see attached

Case No. \_\_\_\_\_

(to be filled in by the Clerk's Office)

Jury Trial: (check one)  Yes  No

Plaintiff(s)  
 (Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-v-

see attached

Defendant(s)  
 (Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names. Do not include addresses here.)

U.S. DISTRICT COURT  
DISTRICT OF MASS.

102 DEC -5 PI 1:53

FILED  
IN CLERK'S OFFICE

## COMPLAINT FOR VIOLATION OF CIVIL RIGHTS

(Non-Prisoner Complaint)

## NOTICE

Federal Rules of Civil Procedure 5.2 addresses the privacy and security concerns resulting from public access to electronic court files. Under this rule, papers filed with the court should *not* contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include *only*: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number.

Except as noted in this form, plaintiff need not send exhibits, affidavits, grievance or witness statements, or any other materials to the Clerk's Office with this complaint.

In order for your complaint to be filed, it must be accompanied by the filing fee or an application to proceed in forma pauperis.

**I. The Parties to This Complaint****A. The Plaintiff(s)**

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name

Address

*See attached*

County

City

State

Zip Code

Telephone Number

E-Mail Address

**B. The Defendant(s)**

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (if known) and check whether you are bringing this complaint against them in their individual capacity or official capacity, or both. Attach additional pages if needed.

**Defendant No. 1**

Name

*Andrew P. Flanagan*

Job or Title (if known)

*Town Manager*

Address

*36 Bartlett St*

City

State

Zip Code

County

Telephone Number

E-Mail Address (if known)

Individual capacity  Official capacity

**Defendant No. 2**

Name

*The Town of Andover (Corporation)*

Job or Title (if known)

*Municipal Corporation*

Address

*36 Bartlett St*

City

State

Zip Code

County

Telephone Number

E-Mail Address (if known)

Individual capacity  Official capacity

## Defendant No. 3

Name

*See attached*Job or Title (*if known*)

Address

City

State

Zip Code

County

Telephone Number

E-Mail Address (*if known*) Individual capacity  Official capacity

## Defendant No. 4

Name

*See attached*Job or Title (*if known*)

Address

City

State

Zip Code

County

Telephone Number

E-Mail Address (*if known*) Individual capacity  Official capacity

## II. Basis for Jurisdiction

Under 42 U.S.C. § 1983, you may sue state or local officials for the “deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws].” Under *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971), you may sue federal officials for the violation of certain constitutional rights.

A. Are you bringing suit against (*check all that apply*): Federal officials (a *Bivens* claim) State or local officials (a § 1983 claim)

## B. Section 1983 allows claims alleging the “deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws].” 42 U.S.C. § 1983. If you are suing under section 1983, what federal constitutional or statutory right(s) do you claim is/are being violated by state or local officials?

*Freedom of speech, right to bear arms, right to privacy, protection from unlawful search and seizure, unlawful arrest, life, liberty, pursuit of happiness*

C. Plaintiffs suing under *Bivens* may only recover for the violation of certain constitutional rights. If you are suing under *Bivens*, what constitutional right(s) do you claim is/are being violated by federal officials?

N/A

D. Section 1983 allows defendants to be found liable only when they have acted "under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia." 42 U.S.C. § 1983. If you are suing under section 1983, explain how each defendant acted under color of state or local law. If you are suing under *Bivens*, explain how each defendant acted under color of federal law. Attach additional pages if needed.

See attached

### III. Statement of Claim

State as briefly as possible the facts of your case. Describe how each defendant was personally involved in the alleged wrongful action, along with the dates and locations of all relevant events. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases or statutes. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

A. Where did the events giving rise to your claim(s) occur?

21 Topping Rd Andover MA & 32 N Main St Andover MA

B. What date and approximate time did the events giving rise to your claim(s) occur?

11/2/22 10:42 am

C. What are the facts underlying your claim(s)? (For example: *What happened to you? Who did what? Was anyone else involved? Who else saw what happened?*)

see attached

**IV. Injuries**

If you sustained injuries related to the events alleged above, describe your injuries and state what medical treatment, if any, you required and did or did not receive.

see attached

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**V. Relief**

State briefly what you want the court to do for you. Make no legal arguments. Do not cite any cases or statutes. If requesting money damages, include the amounts of any actual damages and/or punitive damages claimed for the acts alleged. Explain the basis for these claims.

Ryan Sullivan - \$20,000,000 Kelley Sullivan - \$10,000,000  
I.S. 2018 - \$5,000,000 E.S. 2021 - \$5,000,000

Rose Gennish - \$5,000,000 I want the town to abolish  
all diversity, equity and inclusion policies, that allow unqualified  
individuals to risk the lives of the people and police officers  
in Andover. Full property tax exemption

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**VI. Certification and Closing**

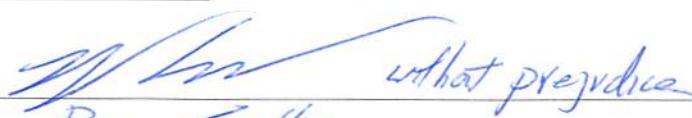
Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

**A. For Parties Without an Attorney**

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: 12/5/2022

Signature of Plaintiff



Printed Name of Plaintiff

Ryan Sullivan

**B. For Attorneys**

Date of signing: \_\_\_\_\_

Signature of Attorney

\_\_\_\_\_

Printed Name of Attorney

\_\_\_\_\_

Bar Number

\_\_\_\_\_

Name of Law Firm

\_\_\_\_\_

Address

\_\_\_\_\_

City

State

Zip Code

Telephone Number

\_\_\_\_\_

E-mail Address

\_\_\_\_\_

**Plaintiffs**

- I. Ryan Sullivan**
- II. KELLEY SULLIVAN**
- III. I.R.S. (2018)**
- IV. E.R.S. (2021)**
- V. ROSE GERRISH**

**Defendants**

- 1) KATIE RAMOS (DISPATCHER)
- 2) ANDOVER POLICE DEPARTMENT
- 3) THE TOWN OF ANDOVER
- 4) ANDREW P. FLANAGAN (TOWN MANAGER)
- 5) MICHAEL A. LINDSTROM (DEPUTY TOWN MANAGER)
- 6) AUSTIN SIMKO (ASSISTANT TOWN MANAGER/ TOWN CLERK)
- 7) KATHRYN L. FORINA (EXECUTIVE ASSISTANT TO TOWN MANAGER)

## **The Plaintiffs**

**Ryan Sullivan**

**21 Topping Rd**

**Andover MA 01810**

**KELLEY SULLIVAN**

**21 Topping Rd**

**Andover MA 01810**

**I.S. 2018**

**E.S. 2021**

**ROSE GERRISH**

**505 West Lowell Ave Apt. 1209**

**Haverhill MA 01832**

## The Defendants

### Continued

**No. 3) THE ANDOVER POLICE DEPARTMENT (Corporation)**

**32 N. Main St Andover MA 01810**

**Official capacity only**

**No. 4) KATIE RAMOS (Individual)**

**Dispatcher**

**32 N. Main St Andover MA 01810**

**Individual and official capacity**

**No. 5) MICHAEL A. LINDSTROM (Individual)**

**Deputy Town Manager**

**36 Bartlett St Andover MA 01810**

**Individual and official capacity**

**No.6) AUSTIN SIMKO (Individual)**

**Assistant Town Manager/ Town Clerk**

**36 Bartlett St Andover MA 01810**

**Individual and official capacity**

**No. 7) KATHRYN L. FORINA (Individual)**

**Executive Assistant to Town Manager**

**36 Bartlett St Andover MA 01810**

**Individual and official capacity**

## Basis for Jurisdiction

### D.

**KATIE RAMOS-** KATIE RAMOS is an incompetent employee of the Andover Police Department. She is a trained dispatcher who cannot properly vet a phone call. She dispatched vehicles to my domicile when the caller didn't request that, or even give probable cause. She also lied to a patrolman saying I was "preventing my wife from getting a restraining order on me." This was totally false; I have the phone call recording to prove it. This fallacy in my opinion is the root cause of this whole incident. She is unqualified to be a first responder, and is putting peoples lives at risk

**THE ANDOVER POLICE DEPARTMENT-** The A.P.D. refuses to take any accountability for the events that took place on Nov. 2<sup>nd</sup> 2022. The lack of professionalism and concern of people's constitutional and natural rights is why this incident took place.

**THE TOWN OF ANDOVER-** In my opinion, the town of Andover habitually partakes in unconstitutional hiring practices. The Town of Andover has a policy in place to promote the hiring of unqualified women and minorities in order to reach certain quotas to satisfy their virtue signaling. In my opinion, Police Chief Keefe is being deterred from properly disciplining and terminating inadequate personnel so that the town can keep their diversity quotas and not have to deal with the bad public relations of firing a woman or person of color. The town is sacrificing the well being of everyone in the town in order to project an image of exclusivity.

**ANDREW P. FLANAGAN-** State-created danger, failure to intervene, choice by policymaking official

**MICHAEL A. LINDSTROM-** State-created danger, failure to intervene, choice by policymaking official

**AUSTIN SIMKO-** State-created danger, failure to intervene, choice by policymaking official

**KATHRYN L. FORINA-** State-created danger, failure to intervene, choice by policymaking official

IN CLERKS OFFICE  
FILED  
DEC - 5 PM 1:53  
DISTRICT COURT  
SS.

## Statement of Claim

C.

On Nov 2, 2022, I Ryan Sullivan, was at the gym in Andover at approximately 10:30 am. While there, my wife and I had a discussion via text message over paying some utility bills fairly. There was slander from both sides, but no threats were made, no natural or statutory laws were broken. My overly protected mother decided to call the Andover Police in panic while at work in Woburn MA.

- 1) My mother Barbara Young, spoke with dispatch with no real intention for calling at all. She admitted that I never got physical with anyone in my home, she admitted I never threatened anyone in my home, she requested patrol vehicles do not get dispatched to 21 Topping Rd and make matters worse. The Andover Police used this call, that never established a criminal complaint or probable cause and dispatched 2 patrol cars to 21 Topping Rd anyways. The Andover Police classified the incident as a domestic verbal, even though I wasn't home during the conversation with my wife, and the entire dialogue took place over text message. KATIE RAMOS stated during the call "We cannot ignore a domestic", apparently even if no laws were broken, the Andover Police still have the right to show up to my domicile.
- 2) While officers were enroute to 21 Topping Rd, KATIE RAMOS falsely claimed I was impeding my wife from going to the police department to file a restraining order, even though my mother never mentioned the word restraining order in her conversation with the Andover Police.
- 3) As a result of this deceit, the patrolmen who arrived at 21 Topping Rd, decided it was necessary to enter my domicile without my consent. They entered the home of a Secured Party Creditor, the real agent of all structures located at 21 Topping Rd. The department attempted to justify the entrance by saying my mother-in-law let them in. ROSE GERRISH, another plaintiff, helps watch our children during the week. She was confused as to why the police were here since no one in the house called them. The officers then followed her into my domicile while I was unaware of their presence since I was upstairs doing paper work for my small business. By the time I was alerted that the police had arrived, they were already in my living room
- 4) At this point, ROSE GERRISH, I.S. 2018, E.S. 2021, was placed under false arrest by being told to leave the structure while the police investigated the situation.
- 5) After realizing that this incident was not as serious as they expected it to be, and that no crime was committed, they still decided to assassinate the character of my wife, KELLEY SULLIVAN and myself, Ryan Sullivan by giving us our 209A rights
- 6) The officers then proceeded to commit further defamation by sending a 51A report to the Department of Children and Families, in my opinion totally uncalled for based on the

circumstances. They used my trademarked/copyright identity without my permission to further tarnish my reputation.

- 7) While officers had my wife and I separated, one of the officers who was falsely under the impression I was abusive, due to the deception of KATIE RAMOS, attempted to solicit my wife in to getting a restraining order against me, behind my back, in my own kitchen. The officer made leading statements such as "You look scared", "If you don't get one on Ryan, he could get one on you and have you separated from your kids." And lastly "So are you going to get one?" My wife is suffering from post-partum depression and I believe this was an attempt to mentally coerce my wife in to weaponizing a restraining order so the municipal corporation could remove my from my domicile, seize my \$25,000 firearm collection, and separate myself from my 2 children.
- 8) This sought-after restraining order was used against me without proper due process. The entire conversation between my wife and I was on our phones via text message, I offered to show officers the conversation to prove I didn't threaten anyone, yet they still proceeded to solicit a restraining order against me.
- 9) After finding out about what the officer tried to convince my wife to do the following day. I immediately went to the Andover police station and requested documents and recording that had to do with the incident, I can honestly say during my several trips to retrieve documents, I spoke with multiple officers in the A.P.D., every one of them tried to tell me they had the right to enter my home without a warrant or probable cause.

## Injuries

Although no physical harm took place, great emotional damage was caused by the Andover Police Department. First my mother-in-law feels guilty for not stopping them from entering the domicile and waiting for me to come to the door. My children are too young to know the extent of the damages done on Nov. 2<sup>nd</sup>. My daughter asked me on Nov. 4th, "If the cops were coming here today to talk to Daddy?" I also had several neighbors ask me about what happened after seeing 2 police cruisers parked in front of our home. I lived here for 10 years, purchased this home 18 months after being MEDEVACED from Afghanistan, where I remained off the radar to the Andover Police until this day. I spent over \$300,000 in renovations and improvements to my domicile, where I no longer wish to raise my family due to the actions of the Andover Police Department. I normally do have mental health care with the VA, however they are so backed up right now, I've been on a waiting list for almost a year for a new provider. Also, my wife is enrolled in mental health treatment prior to this incident, and she claims to have felt "used" by being pressured into filing a restraining order against me. Also in 2020, I lost my job due to the Covid-19 pandemic. I started a small electrical business to pay the bills, I invested my entire savings in starting the company. After 2 years of growing the company, I feel I may have to move and start all over again. Most of my work is done in Andover, I drive around in a van with my name on it, an easy target for any resentful police officer or municipal corporation employees who wish to seek revenge for this lawsuit. I am concerned I will not be able to return to a normal work life after this incident and question if the town will begin to treat me differently after filing this lawsuit.